

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

KELLY A. GARCIA,

Defendant.

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ORDER

08-cr-113-bbc

Defendant Kelly A. Garcia has moved for reconsideration of the request she made at her sentencing to serve her six-month sentence in home confinement in light of her serious medical condition. The request will be denied.

First, it is not at all clear that I could grant her request even if I believed that it was well justified. Once a sentence is imposed, the sentencing judge is without jurisdiction to revise it, except in very limited circumstances, such as on a motion by the government to reduce the sentence in acknowledgment of a defendant's substantial assistance to the government in the prosecution of others.

Second, I am no more persuaded than I was at the time of sentencing that a sentence of home confinement would be appropriate in defendant's circumstances. It is true that she

has a severe medical condition, but it appears to be one that the Bureau of Prisons is capable of caring for. Dr. Jeffrey Allen, Chief of Health Programs for the Bureau has assured the probation office that defendant can continue to receive the treatments she has been obtaining from her own doctor once she is in the Bureau's custody. The probation officer has forwarded defendant's medical records to the Bureau for its use in accommodating defendant's treatment needs.

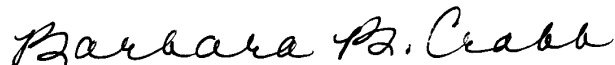
Defendant committed a serious and extended scheme to defraud. She received a sentence below the advisory Sentencing Guidelines minimum. Any further reduction would not fairly reflect the seriousness of her crime.

ORDER

IT IS ORDERED that defendant Kelly Garcia's request to serve her sentence in home confinement is DENIED.

Entered this 13<sup>th</sup> day of July, 2009.

BY THE COURT:

Handwritten signature of Barbara B. Crabb in black ink.

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BARBARA B. CRABB  
District Judge